



Case Report

1	Case Number	0481/12
2	Advertiser	Lion
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	12/12/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Cruelty to animals

DESCRIPTION OF THE ADVERTISEMENT

Numerous blue collar workers walking and singing about their love of Farmers Union Iced Coffee. One of the men is shown allowing his dog to drink from his carton of the iced coffee.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*Coffee is a toxic substance to dogs and can actually kill them.
Towards the end of the ad one of the actors allows a dog to participate in what is left of the product in his container. I will take it that the carton was clean and a dog friendly product was put in the container. i.e water or maybe plain milk. To anybody who has a dog it is known that chocolate is highly toxic to dogs and an ad showing chocolate milk being given to a dog might lead to 'non dog' people and others giving the unused portion of the product to animals causing untold problems for the owners of said animals. I would ask at the very least that this scene is deleted from the ad post haste and if not possible the whole ad gets pulled.*

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Response to complaint: Reference Number 0481/12

We refer to your letter dated 28 November 2012 regarding complaints the Advertising Standards Bureau (ASB) received in relation to the Farmers Union Iced Coffee "Nothing's Gonna Change My Love" television commercial. We have considered the complaints, and for the reasons set out below, submit that the complaints should be dismissed.

The TVC is part of the Farmers Union Iced Coffee 'Share the Love' campaign. The advertisement portrays the humorous lengths fans will go to show their love for Farmers Union Iced Coffee. Tongue-in-cheek examples include tattoos, homemade utility belts and giant cakes which feature elements of the brand. The TVCs are presented in 15 second, 30 second and 90 second versions. The CAD reference for the TVC is WWSAAFDA and was given a rating of W.

The complaints

The TVC contains a short scene where a dog is seen drinking Farmers Union Iced Coffee. The complaints allege that this scene "might lead to 'non dog' people and others giving the unused portion of the [coffee] product to animals causing untold problems for the owners of said animals" given that coffee may be a "toxic substance to dogs." The complaints include no evidence about the alleged harm that coffee in the form of an iced coffee drink might do, or how much would need to be consumed in this form to do any harm. There is no suggestion that the dog in the advertisement was harmed. The dog was not harmed during the filming of the TVC.

The ASB has raised this issue under Section 2.3 of the AANA Code of Ethics (the Code) which states that "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised". We note that the ASB Board has previously determined that depicting cruelty to animals falls within the ambit of section 2.3 of the Code relating to the portrayal or depiction of violence.

Submissions

We submit that the impugned scene does not depict violence or animal cruelty. While the giving of iced coffee drinks to dogs may be considered a potentially unsafe practice by some, we do not believe the scene presents animal cruelty or gratuitous violence in any respect. The Macquarie Dictionary defines violence as "rough force in action". We submit that no rough force was exerted upon the dog in the TVC. Unlike Case 0262/12, the animal in the TVC is not shown to be distressed, physically injured or in pain. We therefore do not believe that the impugned scene could be considered by the community as a portrayal of violence toward animals or a representation of a cruel action toward the dog. Accordingly, we disagree that Section 2.3 of the Code has been breached.

The advertisement is not intended to encourage any of the fan behaviours that are shown in the many scenes in the advertisement and Lion does not believe that it is likely to do so. It depicts over the top behaviours in a tongue-in-cheek way. A reasonable consumer would not

interpret any of the behaviours as being encouraged by the advertiser as opposed to being depicted as rather extreme or unusual.

Conclusion

While we do not believe that the Code has been breached in this instance, we have nonetheless removed the scene involving the dog from the TVC to mitigate any possible risk of viewers mimicking the practice of offering iced coffee products to dogs. This revised TVC will air from 23 December 2012.

In view of the above, we consider the complaints should not be upheld.

Thank you for taking the time to consider our response. We look forward to receiving the ASB's determination in this matter.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement features food (milk) being given to a dog which can be harmful.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised”.

The Board noted that for the purposes of the Code, any depiction of cruelty or the mistreatment of animals in advertising is suitably captured with section 2.3 of the Code relating to violence – cruelty to animals.

The Board noted that the advertisement features scenes of various people drinking and singing about their love of iced coffee flavoured milk. There is one scene where a man holds the carton of milk at an angle where a dog is licking at the carton.

The Board noted that the entire advertisement is an over exaggerated portrayal of the how passionate people will get over a flavoured milk. The Board noted that reasonable members of the community would understand the light hearted humour and jovial approach to the promotion of the milk drink.

The Board noted that the advertisement was given a ‘W’ rating by CAD and considered it unlikely to cause reasonable people to give such products to dogs.

The Board considered information available regarding the consumption of milk and the consumption of caffeine by dogs via a number of websites including (but not limited to)

ASPCA- (<http://www.aspc.org/>)>American Society for the Prevention of Cruelty to

Animals)

VCA Animal Hospitals- <http://www.vcahospitals.com/main/news/pet-news/foods-that-are-dangerous-for-your-dog/483>"><http://www.vcahospitals.com/main/news/pet-news/foods-that-are-dangerous-for-your-dog/483>

Based on information provided by the advertiser and on these and other websites, the Board noted that it is advisable not to give milk and/or caffeine products to animals however a small quantity similar to that shown in the advertisement is unlikely to cause any harm to a dog of that size.

The Board noted that the advertiser has removed this section of advertisement and agreed that in future it would be advisable not to show scenes of this nature.

In the Board's view the advertisement does not present violence or cruelty to dogs and did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.